THE HON'BLE MR. JUSTICE V.V.S. RAO

TUESDAY, THE 20TH DAY OF DECEMBER, 2005

W.P.No. 26863 of 2005

Between:-

Savitha Bai

--Petitioner

And

The Collector, R.R. District at Khairatabad, Hyderabad and another.

--Respondents

THE HON'BLE MR. JUSTICE V.V.S. RAO

W.P.No. 26863 of 2005

:O R D E R:

The petitioner claims to be the absolute owner of land ad-measuring Ac. 02-00 comprising in survey Nos. 86 and 87 of Oottapalli village, Shamshabad mandal, Ranga Reddy district. It appears an extent of Ac.0-20 gts. (2420 square yards) was notified for acquisition for widening National Highway. The 2nd respondent, allegedly, fixed the compensation at Rs.19,36,000-00. The petitioner alleges that she was paid only Rs.12,35,200-00 by way of cheque and the balance amount was not paid in spite of number of representations. The petitioner asserts that the entire extent of Ac.0-20 (2420 square yards), which was originally notified under Section 4 (1) of the Land Acquisition Act, 1894 (for short 'the Act') was utilized for widening the road and, therefore, the respondents are liable to pay the balance of compensation of Rs.7,00,800-00. In this writ petition, the petitioner, *inter alia*, seeks a direction to the respondents to pay the balance compensation.

At the preliminary stage of hearing, learned Assistant Government Pleader for Revenue (Land Acquisition) has placed before this court the Award No.1/2383/2003 dated 18-06-2004, which is made part of the record. The relevant portion in the award insofar as it is concerned in survey No. 87 of Ootpally village is concerned, the same reads as under:

> **Sy.No. 87**
>
> In response to the notice only one claim from Smt. Savitha Bai w/o Satish Kumar has been received for an extent of 2420 Sq. Yds. But the actual area

being affected above 50' is only 1544 Sq. Yd. She has filed copy of Pass Book and Regd., Sale Deed No. 7622/89, dt. 30-6-89 executed by Usha Ben Patel and her name is recorded in Revenue Records. Though she has claimed for Rs.2000/- per Sq. Yd., she has given consent for payment of compensation @ Rs. 800/- per Sq. Yd., as was given in first phase of Tondpally. The land compensation determined is as follows.

1. Land value @ Rs.800/- per Sq. Yd. for 1544 Sq. Yd. 12,35,200/

2. Structural valuation. --

12,35,200/

The area notified u/s. 4(1) and 6 of the L.A. Act in this case is 0.20 gts. or 2420 Sq. Yds. The claimants claimed for compensation for 1544 Sq. Yds. Thus the area of 876 Sq. Yd deemed to be excess demarcated and below 50'. Hence true area under present acquisition is taken as 1544 Sq. Yd.

The above award would show that though the extent of 2420 square yards was notified, an extent of 1544 square yards of petitioner's land was alone affected, for which, the compensation was paid at the rate of Rs. 800/- per square yard, in a total sum of Rs.12,35,200-00. Be it also noted that the 2nd respondent passed the consent award after due negotiations with the land owners by the Joint Collector of Ranga Reddy district, in which, the parties agreed for the compensation at the rate of Rs.800-00 per square yard. In view of the same, this court cannot adjudicate the question whether the petitioner's land of 2420 square yards was acquired or not. The award is a public document, which clearly shows that only an extent of 1544 square yards was acquired and compensation was paid. If the petitioner is aggrieved, she may approach the respondents for survey in this regard. In this writ petition, the petitioner is not entitled for any relief.

The writ petition, with the above observations, is accordingly dismissed. No costs.

V.V.S. RAO, J

20-12-2005

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